

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5770 OF 2004

Tayyab Dhondiba Mujawar & Anr. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri C.R. Sonawane for the Applicants.

Shri Konde Deshmukh, APP for the Respondent - State.

CORAM : A.M.KHANWILKAR, J.

DATED : MARCH 02, 2005

PC :-

1. Heard counsel for the parties. Perused the record.

2. There is clear evidence to indicate the complicity of the applicants in the commission of the crime. They have taken active part in the commission of the offence unlike the other accused, who have been enlarged on bail. The applicants are not entitled to claim parity. The blood stained clothes have been recovered from the persons of the applicants accused. Besides, the knife which was used in the commission of the offence has been recovered at the instance of the applicants. There is no reason to depart from the

conclusion reached by the lower court in rejecting the bail application of the applicants. Hence, dismissed.

3. As prayer for bail is rejected, the Sessions Judge, Pune is directed to assign the case to fast track court, if already not done, to ensure early disposal of the trial as High Court expedited cases, preferably within six months from the receipt of the writ of this court.

4. The applicants shall co-operate for early disposal of the trial. If the trial is of the opinion that the applicants are responsible for delay of the trial, that opinion shall be recorded in the Rozanama, which will be considered as and when occasion arise.

5. Needless to observe that the trial court to decide the case on its own merits in accordance with law.

6. Ordered accordingly.

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